

Town of *Dunstable* Selectboard
Meeting Minutes
May 24, 2022
Town Hall, Dunstable, MA 01827

Convened: 6:00 pm

Present: Kieran D. Meehan, chair, Ronald J. Mikol, vice chair, Leah D. Basbanes, member(s); David DeManche, Interim Town Administrator; James W. Dow, Chief of Police; Carol Skerrett, Town Clerk; Joan Simmons, Planning Board; Rafael Glod, Lacey McCabe, Brain LeBlanc, Jeff Kubick, GDRSD School Committee; Dr. Laura Chesson, Superintendent; Sherry Kersey, Director of Finance; Mike Martin, Roads Commission

Call to Order & Public Forum

Ms. Basbanes called the meeting to order. She then went over the agenda which included the Annual Appointments, Discussion of Next Steps on the School Debt. Question Defeat, Appointment of Consultant or Interim Town Clerk, Authorization of the Submission of By-Laws Adopted at the 2022 Annual Town Meeting (Wetlands By-Law), an Update on the Pepperell Industrial Landfill Proposal, Discussion on a State Earmark, a Vote on the Formation of a Team for Negotiating with the Police Union, Approval of Amendments to the Liquor License Legislation, the Treasurer/Collectors Retirement Letter and Planning & Conservation Administrators Retirement Letter, and Reorganization of the Board. The Board determined to take its reorganization out of order.

- Mr. Martin brought up the ARPA funding decision noting that things are starting to roll and we need to know we can spend that. Materials and pipe will need to be purchased. The Board was relatively certain that we've received the ARPA funds and they should be available. The Board noted that the funds have been officially allocated, it's now a matter of whether we have it in the bank. Mr. DeManche promised to follow up with the Treasurer/Collector. Otherwise the Board felt Mr. Martin safe in proceeding.
- Chief Dow just added that our latest officer to graduate the academy has done so and we now have full staff. The Board was pleased by the news and thanked the Chief for it.

Reorganization of the Board

The Board recalled that it had decided last year to return to a rotation. This was the consensus. Ms. Basbanes has been chair for 4 years. It was decided that it was time. The Board determined that Mr. Meehan would be chair and Mr. Mikol would be vice chair. Signing duties for warrants and bills will remain with the chair as previously determined.

A motion was made by Mr. Mikol to designate Mr. Meehan as chair and himself as vice chair. The motion was seconded Ms. Basbanes and passed unanimously.

Discussion of Next Steps on School Debt Question Defeat with Members of the GDRSD School Committee

The School Committee began by calling itself to order. Ms. McCabe then began by going over some options. There are certain contractual obligations that have to be paid which dictates a sort of order. The Board recalled asking in the past what would happen if this measure failed. There was always a risk it would. Dr. Chesson responded that given the contract issues here funds would have to be taken from other areas. Yes, these items are capital related. But even within that are some obligations. So it is possible to move around some projects. But some, like the Chromebooks, are contractual. Mr. LeBlanc reminded the Board that nothing is fluff or fat. They've whittled down their list to the bare minimum. There is also risk that certain requests for grant funding from the Commonwealth could be imperiled. He noted that Dunstable only had an 8 percent turnout. The ballot question wasn't well publicized. He suggested that it be put back before the voters. Dr. Chesson echoed him. If we don't keep up our capital maintenance it will have an impact. Ms. Kersey then outlined what measures have been taken already to move around projects including a roof replacement. The Board then interjected to ask what triage would look like. Dr. Chesson stressed the contractual obligations, then focus on the balance of what could be done with remaining funds. Ms. Kersey agreed noting things like security cameras and new duct work. The duct work and HVAC control system need to be done due to concerns relating to COVID. It's also the second step of a multiyear capital project. Other items like the goal posts at one of the fields may be less important, but it would remain a safety issue. One of the boxes at the field also needs repair. There's also a parking lot repair that needs to be done. The Board asked Mr. DeManche his opinion. He responded that based on his history, it's different in each circumstance. He had at least three proposals. He elaborated that it would be preferable to simply return the question to the ballot on the general election ballot in November. This would avoid the cost of a Special Town Election. The town could also call a Special Town Meeting. This would allow the town to go back and

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take some new growth left on the table, and to also transfer out of stabilization. This could be the quickest solution. The Board asked if we could just front the ARPA funds that was promised by the town. Those funds were to be paid out over two fiscal years. If they could be front loaded, i.e. paid all at once that might help.

Mr. LeBlanc interjected to urge the Board to put this back before the public. The Board conceded that the district has more than justified their needs. The Board was disappointed that the ballot question failed to pass by a mere 4 votes. Still, the Board cannot campaign. Mr. LeBlanc charged there are ways to do it within the rules. The Board responded that the School Committee also could have done so. Ms. McCabe conceded the School Committee should have done more. The Board noted that it sent out notices that town meeting was coming. The Annual Town Election was also advertised. This isn't a surprise as it comes every year. This is not the first time a measure like this has passed at the Annual Town Meeting and failed at the subsequent ballot. Some claimed the wording was confusing, but the language of the question was written by Town Counsel to adhere to statute. The Board stressed that this is not oppositional. The Board was not opposed to putting the question back on a ballot. But it did warn that there will need to be campaigning as the town has tried re-do's and had those fail too. So as much as we may advocate, we must be prepared for the possibility. It was noted that there was a snafu on the assessment budget. This may mean a hole in the operating budget part of things too. Mr. DeManche suggested consultation with Town Counsel on the operating budget. Mr. LeBlanc suggested that the Board call a STE before July 1st. Mr. DeManche responded the Town Clerk retired as of today, and will remain on in a very limited fashion to bridge to her replacement. This would not allow for a STE on such a timetable. Still the Board was willing to commit to acting expeditiously. Ms. McCabe came back to the advertisement and communication problem. We didn't have that. There was a lot of information around the police override last year. She felt that on a do-over we could replicate that prior success. Mr. Glod noted that we shouldn't be focused on recriminations. Mr. DeManche noted he's happy to do what he can within the law. But he stressed the form of the question cannot change. So we can't clarify it. Mr. Glod stressed that this passing benefits everyone. Mr. Kubick noted that it appears that all parties understand the gravity of the situation. He conceded that the town needs to figure out the precise amount it needs. But the school district cannot wait very long. Delay into the fall would complicate the situation. He urged the Board to call a STE as soon as legally possible. He conceded that the Town Clerk situation may make it hard but there is still an urgency. The Board could see that, but reminded that voting in the summer can be a struggle. Ms. Simmons expressed concern that Dunstable will be left with little in the way of services that aren't educational. She acknowledged some of the projects are important.

But the school has obtained funds from CPA sources, and it has ARPA related funding. She could not understand why the current circumstance is so dire. Dr. Chesson responded that several items pose safety issues. Ms. Simmons asked how much of the funds are expected to cover athletic costs. Dr. Chesson responded that some of these items have already been delayed for several years and failure to address them make facilities unusable. Ms. Skerrett noted that the school could form an election committee which once formed properly under law can campaign. She's seen it several times in the past 20 years. She also stressed that no ballot question can go on a ballot without going through the Board. Further they have to give the Town Clerk 35 days. Then there's the timeframe for printing ballots, and then the actual holding of the vote. So it is not possible to hold a STE in June. The Board asked how much a STE would cost. Ms. Skerrett responded about \$2,500 give or take. Dr. Chesson noted those campaign committees cannot involve school district officials. They have to be parents. Ms. Skerrett concurred. The Board then briefly returned to the athletic matter asking if the private parent groups that help pay for some of the program would be willing to fund repairs. Dr. Chesson responded that they have already determined what they would cover and are acting accordingly. The Board asked Mr. DeManche about the STM aspect. He elaborated on that option a bit more. The Board's only concern with use of Stabilization Funds is that the town's funds are well below what DOR would like it to be. Depleting it further is unpalatable. The Board's consensus began to coalesce around the idea of an STE. Ms. Simmons asked what would happen if the town simply said no. Other departments have lost at the ballot and they had to wait until the next ATE. The Board responded that would have a horrible ripple effect. But running a STE is complicated. The Board could support putting the matter back before the voters to the same sum and same question. This is a special vehicle anyway that's a one-time one year debt exclusion. Mr. LeBlanc asked about the town's Free Cash situation which the Board briefly recounted. Our present situation is the worst we've ever been. Going with the same sum is the best. That was the sum we understood to make the present circumstance work for all parties. Ms. McCabe conceded that passing the question for the sum proposed is a win-win. The school receives the funds it needs in a manner that the town can sustain. Ms. Skerrett reminded that any Special Election can't be done before July 1st. The Board returned to the fact that it would need to hash out things like a date and when and where to call a STE.

A motion was made by Mr. Mikol to put forward a re-vote of the capital expenditure request for the school district to the same sum and question as previously placed on the 2022 Annual Town Election ballot. The motion was seconded by Ms. Basbanes and passed without objection.

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Appointment of Consultant or Interim Town Clerk

The Board asked Ms. Skerrett whether she was still willing to continue service for a period of time. She responded she would be willing to do so until about July 15th. Mr. DeManche concurred elaborating further on the agreement that's been arranged. This included what she would be paid per hour and what the office expectations would be. Hours will have to be somewhat flexible given her plans for moving. He felt the Board should go through with the transitional period so that we have time to properly hire a replacement Town Clerk. He also reminded the Board that we added some extra funds to the Town Clerk's office to help pay for a transition. He also noted Mr. Voelker could be appointed to some capacity for the Town Clerk's office. Ms. Skerrett noted she can legally delegate some things. She was okay with a full Assistant Town Clerk appointment, but expressed concern about what might happen if she isn't replaced in time. He'd assume full powers and that could be a complicating factor. There's also the matter of the opinion of a new Town Clerk who may wish a different choice. The Board asked how many hours she would work. Ms. Skerrett explained she and Mr. DeManche will work that out. There are limited funds, but it should be possible. She stressed she's willing to do what she has to in order to get the job done. She would also be willing to possibly stay past July 1st, but only in the event a new Town Clerk is known. In other words if that person can't start until August 1st, she'd be willing to stay. But she can't stay beyond that. Ms. Skerrett noted a few complications. The new Town Clerk will need help, they will start with a primary that will be held in early September, but early voting will start in August. Mr. DeManche reminded our focus will be to hire a person that who has experience either as a Town Clerk or as an Assistant Town Clerk. The Board asked where the advertising to date has been. Ms. Skerrett noted she put it in the Town Clerks Association's publication and Mr. Voelker put it in the Massachusetts Municipal Associations as well. Mr. Voelker noted that a lot of things can be worked out for the transition situation. For advertising, the publications that were picked are where the experienced candidates we're looking for will look. Ms. Skerrett agreed noting that the summer, aside from the primary, will be relatively calm.

A motion was made by Mr. Mikol to appoint Carol Skerrett as Interim Town Clerk until June 30th, 2022 with the hourly rate to be \$45 an hour with mileage to be compensated where necessary. Ms. Basbanes seconded the motion and it passed by unanimous vote.

Authorization of the Submission of By-Laws Adopted at the ATM in Accordance with MGL Chapter 40, §32

Ms. Skerrett suggested that this isn't necessary as its one by-law and since she'll be here until the end of June, she can handle it. The Board was pleased to hear that and determined to dispense with the matter.

Update on Pepperell Industrial Landfill Proposal

Mr. Voelker provided the Board with an update on the present situation. We've heard from abutters to the proposed site in Pepperell. The group requests the town consider writing DEP to oppose the project as well as to write a letter to the Board's counterparts in Pepperell urging them to continue supporting municipal efforts against the proposal. The abutters remind that this projects duration would be nearly a decade, would include large tractor trailer trucks which would transit over Rt. 113 numerous times per hour over any given day, could result in 160,000 possible trailer truckloads of construction fill from Boston and three different New England states. Mr. Voelker reminded that Roads Commission has expressed concern regarding this proposed project in the past. Their main concern has been the potential damage to Rt. 113, i.e. Main Street and Pleasant Street from heavy tractor trailer loads. The Board noted it is very much opposed to this project. The Board's only concern is the exercise in futility of it. It may not be possible to stop the project. Still the Board was not opposed to deeper consideration. Mr. Martin reminded that the solution for Roads was that if it comes down to it we'll install more stop signs. The Board conceded that but noted the previous discussions with the School Committee. We're in a tight crunch financially. The town certainly cannot commit funds to fight this legally. Mr. Martin acknowledged that, but reminded this dirt is going to be contaminated. They'll come in heavy with those trucks. Ms. Simmons noted the real danger is they might decide to stay on Main Street and go down the northern part of it. Mr. Martin felt they ought just stay on the highway and go through Nashua. But regardless we do need to consider how we'll respond. Mr. DeManche suggested having MassDOT determine a weight limit for posting on the culvert being replaced by the Rt. 113 Infrastructure Project. It was agreed in the meantime to write a letter as requested. The Board also stressed we should ascertain the situation with the dam by Shaw Conservation Area, the needed work for that might help substantiate why such trucks should not be able to pass.

Discussion on State Earmark

Mr. DeManche reminded he was contacted by Senator Kennedy's office. He's asking the town if it would like to consider an earmark. The timeline was short, so we may not be able to obtain it. But there will be a supplemental budget

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done by the Commonwealth in June. So we have a second bite. He suggested we could seek funds for the town's Bandstand on the Town Common. It might not fit the Commonwealth's criteria. But the Bandstand is heavily used by the public and that might appeal to the General Court. All present acknowledge the need for some TLC. There is a carpenter bee problem, a needed roof replacement, and some boards should be replaced as well. It was agreed to pursue that option and see if the Commonwealth is interested.

Vote on Formation of Team for Negotiating with the Police Union

The Board noted that traditionally the team is the Town Administrator, the Board's chair, and the Chief of Police. The TA and the Board chair do the negotiations and the Chief supports and advises the TA and the chair. Mr. DeManche was comfortable with serving in such a capacity. It was agreed Mr. Meehan would be the Board member since he is now chair. Mr. DeManche then elaborated on how the process would work. The contract will continue in place until the new contract is signed and then that new contract is retroactive once approved at a town meeting.

A motion was made by Mr. Mikol to designate Mr. DeManche and Mr. Meehan as the team with the Chief of Police providing consultation support for negotiation with the Police Union. The motion was seconded by Ms. Basbanes and passed by majority vote with Mr. Meehan abstaining.

Approval of Amendments to Liquor Licensing

Mr. DeManche update the Board. He's been talking to Senator Kennedy's office. The bill is currently known as H3812. It has been on its third reading since January of this year. Senate Counsel has raised some questions about the intent of the town to allow breweries and wineries. That's holding it up at present. The Board noted that the changes are one sentence. They need a vote accepting the sentence that Senate Counsel has proposed. It is widely agreed the town meeting understood that the measure adopted would allow for this. Mr. DeManche noted that the Senator has assured that if the Board accepts these changes the bill will be amended and passed in short order. This was something the town requested in 2019. It's been 3 years. Ms. Simmons interjected to note a few zoning concerns. Our Town Center Overlay District has some specifications as to premises and the crafting of beer brewed on premise. Mr. DeManche conceded that, but stressed that accepting this change will result in the bill finally passing in all likelihood. It will still take time with the ABCC to get the system setup. Probably a few weeks after passage and signature from the Governor.

A motion was made by Ms. Basbanes to approve the language amendments requested by the Massachusetts Senate, and it's Counsel, as provided by Senator Kennedy. The motion was seconded by Mr. Mikol and passed unanimously.

Treasurer Collector Retirement Letter & Planning & Conservation Administrator Retirement Letter

The Board noted that it has received two letters announcing retirement dates. The first is from the Treasurer/Collector who will retire on August 15th, 2022. The Treasurer/Collector has served the town for 35 years and she will be missed. The second letter is from the Planning & Conservation Administrator. She has served the town just over 20 years and will also be greatly missed by both Planning Board and Conservation Commission. She will officially retire on July 31st, 2022. Mr. DeManche then outlined his plans for the hiring process to fill both positions. The Board noted its acceptance of these retirements is with reluctance, but also some joy for both employees starting their next chapters. The Board felt that a letter or commendation should be done. It was also felt prudent that the town possibly issue a plaque. Especially for the Treasurer/Collector who gave the town 35 years. Perhaps a joint retirement party should be organized. The Town Clerk should be included as well.

A motion was made by Mr. Mikol to accept the retirement letters. The motion was seconded by Ms. Basbanes and passed without objection.

Appointments & Resignations

The Board noted that the Annual Appointments Season is now in full swing. The Board then went over the lists for this meeting noting that the tradition is to approve them as presented, or to amend and then approve as amended. This allows for an omnibus motion for each list rather than individual motions for each appointment. The Board asked Chief Dow when his contract expires. He responded it ends July 1 of 2023.

Annual Appointments 2022 One Year Term

Leah D. Basbanes – BOS Designee to CPC
Alan Chaney – Planning Board Designee to CPC
Tiffany Naughton – Parks Commission Designee to CPC

Annual Appointments 2022 One Year Term

Philip DeNyse – Memorials & Monuments
Dana Metzler – Affordable Housing Committee
David Tully, Jr. – Insurance Advisory Committee

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John DeNyse – Affordable Housing Committee
Carol Bacon – Affordable Housing Committee

Annual Appointments 2022 Three Year Term

Joan Simmons – Agricultural Commission
Maria Amodei – Agricultural Commission

Annual Police Appointments 2022 One Year

Sean Ready – Reserve Officer
Gregg Sanborn – Reserve Officer
Jeffrey Swift – Reserve Officer
Philip C. Sepe – Reserve Officer
Clifford Dunning – Reserve Officer
Ryan Cassidy – Reserve Officer

Annual Appointments 2022 Five Year Term

Tiffany Naughton – Recreation Commission

Annual Police Appointments 2022 One Year

James W. Dow – Chief of Police
Erik Hoar – Sergeant of Police
Nicholas Papageorgiou – Sergeant of Police
Darrell Gilmore – Sergeant of Police
Matthew Tully – Patrol Officer
Shawn Drinkwine – Patrol Officer
Richard Nault – Patrol Officer
Michael Pietroforte – Patrol Officer
Jack Wagner – Patrol Officer

A motion was made by Mr. Mikol to approve the list of Annual Appointments as enumerated and dated May 24th, 2022, and to dispense with reading of the list. The motion was seconded by Ms. Basbanes and passed without objection.

A motion was made by Mr. Mikol to approve the list of Annual Police Appointments provided by Chief Dow and as enumerated in a letter dated May 11th, 2022, and to dispense with reading of the list. The motion was seconded by Ms. Basbanes and passed without objection.

Please note the Appointment of the Interim Town Clerk may be found under the corresponding agenda item.

Interim Town Administrators Report

The Board began by noting that we should send some sort of acknowledgement to the Bacon Family for their donation of funds and time for the refinishing of the Board's table in the Grand Hall. Mr. DeManche agreed to see it done. Mr. Voelker noted for the record that the Dunstable Theater Group would like to donate chairs for the Grand Hall. They'd like to replace the historical chairs, which while attractive are not terribly comfortable, with new more comfortable chairs. Doing so in thanks for the town being willing to allow them use of the stage at Town Hall. Ms. Simmons interjected to note she'd be okay with more comfort, but felt it might be hard to dispose of the existing chairs given their historic nature. Mr. Voelker agreed. The Board directed that the topic of the chairs be on its next agenda for further consideration. Mr. DeManche then turned to the Mixed Use District and the Affordable Housing Project. We haven't had a lot of interest. However, we have likely at least two developers interested. One of the interested parties has requested an extension for two weeks. He agreed to do so by issuing an addendum extending the deadline. He did run it by the Affordable Housing Committees chair who was comfortable with it. He then reported on the Department Head's meeting he's called for May 25th, 2022. It's mostly to address End of Year Transfer needs and to attempt to make introductions for those who may not have seen each other since the start of the pandemic or who are new. He then reported on the Fire Chief Screening Committee. They will also meet on May 25th. Their main focus there is to narrow down the pool of candidates, which stands at 16 at present, to those who should be interviewed. Ms. Simmons asked if anyone who's applied is a member of the department. Mr. DeManche responded one of them is. He then reported on the Rt. 113 Infrastructure Project, it's underway and will soon be reaching the Town Common. They've already removed some trees and painted marks out. The Board then took a moment to stress on the school ballot question that we need to ensure that Town Counsel remains consulted and in the loop.

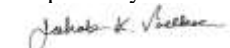
Minutes

The Board reviewed the minutes for May 10th, and seeing no reason not to approve the minutes determined to do so.

A motion was made by Ms. Basbanes to approve the minutes of May 10th, 2022 as written. The motion was seconded by Mr. Mikol and passed without objection.

A motion to adjourn was made by Mr. Meehan at 8:03 pm. The motion was seconded by Mr. Mikol and passed unanimously.

Respectfully submitted by



Jakob K. Voelker, Assistant Town Administrator

Approved and adopted on 6/7/22